



Indiana's New Abortion Law: Pro-life on Surface Only

Indiana's new sweeping legislation that is being touted as practically outlawing abortion and was signed into law on Friday looks like a major victory for the pro-life movement. It makes it a Level 3 felony to perform abortions starting from conception, with narrow exceptions for rape, incest, fatal fetal abnormalities, and when the pregnancy endangers the life and health of the mother. Yet the bill that caused so much national buzz is practically meaningless in terms of saving pre-born lives.

The newest law, which the Republican-controlled state Legislature passed late Friday night and Governor Eric Holcomb (R) signed shortly thereafter, was the first state ban passed since the U.S. Supreme Court struck down *Roe v. Wade* on June 24.

Senate Bill 1 (SB 1) was [first approved](#) by the state Senate on July 30 after a fiery debate on possibly removing the rape and incest exceptions, which were decided to be kept.

On the fifth day of deliberations in the House, the bill was passed by a 62 to 38 vote. Seventy-one Republicans split on the issue, with nine voting against the bill.

It was then referred back to the Senate, which approved the amendments made by the House members by a vote of 28 to 19. The bill swiftly reached the desk of Holcomb, who [praised](#) the legislation as a measure that “accomplishes the goal” of “[making] progress in protecting life.” The wording of the governor’s statement seems rather Orwellian, since the goal of the law should have been to protect the lives of the unborn, not merely make “progress” in that.

A closer look at [the final bill](#) reveals that it changes nothing in terms of prohibiting physicians from aborting pre-born children.

While the bill says that “A person who knowingly or intentionally terminates a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus commits feticide, a Level 3 felony,” a woman just needs to “request” an abortion — and the doctor will not be legally charged for that.

Section 48, point three, explicitly says that a licensed physician “who, upon the request of a pregnant woman, performs a medical procedure to terminate her pregnancy, even if the procedure is not authorized under [IC 16-34-2-1](#),” is excluded from legal liability.

The other parties who won't be charged over the otherwise criminal procedure are women seeking an abortion and those physicians who “accidentally” or “unintentionally” cause an abortion while performing unrelated medical procedures.

In other words, a physician can be charged only if he or she aborts a baby without a pregnant woman's



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Written by [Veronika Kyrylenko](#) on August 8, 2022

asking for it. Once she says that she does not want to have a baby and asks a doctor to help her out, that doctor is good to go.

While the issue of holding mothers accountable for aborting their pre-born babies was not even touched on by the Indiana Legislature, some conservative observers believe that such mothers must be prosecuted as well.

“If a mother took her newborn child to someone to be killed, we would all acknowledge that it would be complicity in a homicide. Complicity in abortion should be treated no differently,” reads a recent [opinion piece](#) in *The New American*.

On the contrary, the author of SB 1, Senator Susan Glick (R), [proudly underlined](#) the fact that her bill “would not criminalize women.”

In addition to that, the representatives nixed a provision written by the senators that would have authorized the attorney general to prosecute abortion in counties in which a local prosecutor refuses to touch such cases.

As reported by the [Indy Star](#), in June, Marion County Prosecutor Ryan Mears vowed that his office would not prosecute abortion-related cases if the state Legislature criminalized the “procedure.”

Instead, the bill established a “task force” to merely study instances where prosecutors make “a blanket refusal” to enforce the law and to work out solutions to that situation.

According to [The Tennessean](#), which closely followed the [metamorphosis of SB 1](#), the House Republicans significantly softened the bill:

The House broadened the exceptions — if by degrees. The Senate had written an exception for abortion in cases in which the life of the pregnant person was in danger. The House amended that to include “permanent impairment” to the physical health, in addition to the pregnant person’s life. The House also removed language supported by senators to require victims of rape and incest to get a notarized affidavit stating the reason for their abortion.

Moreover, the House version allows aborting pre-born babies up to 10 weeks of gestation and conceived as a result of rape or incest. The original Senate bill “would have given girls 15 years old and younger 12 weeks to obtain an abortion, while allowing just eight weeks for women and girls who are at least 16 years old,” per the outlet.

Finally, while the new law terminates the licensure of abortion clinics, such as those run by Planned Parenthood, women will be able to obtain abortions at hospitals and ambulatory outpatient surgical centers owned by hospitals.

The law goes into effect on September 15.

Neither the Left nor most on the Right truly captured the futility of the new law. While the majority of Indiana Republicans congratulated each other on the passing of the bill, the Democrats slammed it.

The Biden administration [called the new law](#) “another radical step by Republican legislators to take away women’s reproductive rights and freedom” as it called on Congress to “act immediately” and pass a law to protect access to abortion as *Roe v. Wade* once did.

In 2020, there were [7,756 abortions](#) reported in the Hoosier state, with most of them being obtained before eight weeks of gestation.



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